

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

-against-

MICHAEL METTER, STEVEN MOSKOWITZ, ANDREW TEPFER, also known as "Avi," SEYMOUR EISENBERG, also known as "Jimmy," GEORGE SPERANZA, THOMAS CAVANAGH, and FRANK NICOLOIS,

Defendants.

Index No.: 1:10-cr-0600-DLI

**NOTICE OF MOTION TO SUPPRESS
SEIZED PROPERTY**

PLEASE TAKE NOTICE, that upon the accompanying Affirmation of Maranda Fritz, Affidavit of Michael Metter, and the accompanying Memorandum of Law, Defendants Michael Metter and Andrew Tepfer will move this Court, before Hon. Dora Irizarry, for an Order pursuant to Federal Rule of Criminal Procedure 41, suppressing property seized from offices of Spongetech Delivery Systems. Defendant Metter further moves for suppression of property seized from his home, and from an internet service provider, together with such other and further relief as the Court deems just and equitable; and

TAKE FURTHER NOTICE that any opposition to the motion shall be served via ECF on or before June 15, 2011.

DATED: New York, New York
May 25, 2011

HINSHAW & CULBERTSON LLP

By: s/Maranda E. Fritz
Maranda E. Fritz
780 Third Avenue
4th Floor
New York, NY 10017
212-471-6200

Attorneys for Defendant Michael Metter

By: s/Andrew Tepfer
Avraham C. Moskowitz
Moskowitz & Book, LLP
345 Seventh Avenue
21st Floor
New York, NY 10001
212-221-7999
Fax: 212-398-8835
Email: amoskowitz@mb-llp.com

Attorneys for Defendant Andrew Tepfer